



PATENT
Attorney Docket No. 3327-2330

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Juro Ozeki et al.)	
Application No.: 10/524,135)	Group Art Unit: 1714
Filed: April 5, 2006)	
For: Polyphenylene Ether Based Resin Composition)	Examiner: Patrick Dennis Niland
)	
)	Confirmation No.: 2415
)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

In the Office Action July 13, 2007, the Examiner rejected claims 1, 3, 5 and 6 under 35 U.S.C. §103(a) for being obvious over U.S. Patent No. 6,875,812 to Akiyama et al. in view of U.S. Patent No. 4,433,114 to Coran et al. and U.S. Patent No. 5,115,035 to Shiraki et al. The Examiner acknowledges that Akiyama is prior art under 35 U.S.C. §102(e).

Akiyama and the present application are owned by the same assignee. Asahi Kasei Chemicals Corporation, the assignee of this application is 100% owned by Asahi Kasei Kabushiki Kaisha, the assignee of Akiyama. Moreover, the subject matter of Akiyama being applied against the claimed invention and the claimed invention were, at the time the claimed invention was made, owned by the same person.

Accordingly, it is submitted that under the provisions of 35 U.S.C. §103(c)(1), Akiyama is disqualified as prior art under 35 U.S.C. §103(a) against the claimed invention. See M.P.E.P. §706.02(I)(1)(I) and §706.02(I)(2)(I) Example 1.

Withdrawal of the noted ground of rejection of the claims based on Akiyama as the primary reference is therefore requested.

It is believed claims 1, 3, 5 and 6 are in condition for allowance.

A one-month Petition for Extension of Time is being filed concurrently with this Response. If there are any addition fees due, please charge such fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 5, 2007

By: 

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